REMARKS

Priority

Applicants have amended the claims to better capture the envisioned commercial embodiments and assert that the parent application (U.S. Application No. 09/660,422) fully supports the presently claimed invention. Accordingly, Applicants assert that the priority date of the claims as submitted herewith is 12 September 2000.

The Claims are Not Indefinite

The Office Action of 11 September 2009 rejected claims 1-7, 9-16, 19-27, 29-46 and 68-71 under 35 U.S.C. §112, second paragraph, because the listed claims were allegedly indefinite. Applicants assert the claim amendments render moot the indefiniteness rejection. Applicants respectfully request reconsideration and withdrawal of the indefiniteness rejection.

The Claimed Invention Is Not Obvious

Atala, Wolfinbarger (a) and RPMI 1640 Recipe

The Office Action of 11 September 2009 rejected claims 1-4, 12-16, 19-27, 29-46 and 68-71 under 35 U.S.C. §103, as allegedly obvious in view of Atala (U.S. Patent No. 6,376,244), Wolfinbarger (a) (U.S. Patent No. 6,024,735) and the RPMI recipe (joslin.org website). Applicants assert that the claim amendments render moot the obviousness rejection.

The Office Action of 11 September 2009 posited two obviousness rejections over the claims. In each of these obviousness rejections, the Examiner cited Wolfinbarger, Jr. *et al.* (U.S. Patent 6,024,735) ("Wolfinbarger (a)"). Applicants assert that Wolfinbarger (a) only qualifies as 102(e) prior art to the presently claimed invention, because the priority date of the claims as submitted herewith is 12 September 2000. Applicants point out that the Wolfinbarger (a) is disqualified as 102(e) art under 35 U.S.C. §103(c). In accordance with MPEP 706.02(l)(2), the undersigned states that U.S. Patent No. 6,024,735 and the present application were, at the time of the invention of the subject matter in the present application, commonly owned by Lifenet Health.

Because Wolfinbarger (a) does not qualify as 102(e) art to the presently claimed invention, Applicants assert that all obviousness rejections can no longer be maintained. Indeed, the Office Action establishes that, among other differences, Atala does not teach or disclose the use of a decontaminating

agent in the extracting solution or storage solution. The Office Action relied upon Wolfinbarger (a) to supply these missing elements. Because the remaining cited art does not teach or suggest the use of a decontaminating agent in the extracting solution or storage solution, the cited art fails to render obvious the presently claimed invention. Applicants respectfully request reconsideration and withdrawal of the obviousness rejections based upon the use of Wolfinbarger(a).

Atala, Wolfinbarger (a) and (b) and RPMI 1640 Recipe

The Office Action of 11 September 2009 rejected claims 1-7, 9-16, 19-27, 29-46 and 68-71 under 35 U.S.C. §103, as allegedly obvious in view of Atala (U.S. Patent No. 6,376,244), Wolfinbarger (a) (U.S. Patent No. 6,024,735), Wolfinbarger (b) (U.S. Patent No. 6,432,712) and the RPMI recipe (joslin.org website). Applicants assert that the claim amendments render moot the obviousness rejection.

The Office Action of 11 September 2009 posited two obviousness rejections over the claims. In each of these obviousness rejections, the Examiner cited Wolfinbarger, Jr. *et al.* (U.S. Patent 6,024,735) ("Wolfinbarger (a)"). Applicants assert that Wolfinbarger (a) only qualifies as 102(e) prior art to the presently claimed invention, because the priority date of the claims as submitted herewith is 12 September 2000. Applicants point out that the Wolfinbarger (a) is disqualified as 102(e) art under 35 U.S.C. §103(c). In accordance with MPEP 706.02(l)(2), the undersigned states that U.S. Patent No. 6,024,735 and the present application were, at the time of the invention of the subject matter in the present application, commonly owned by Lifenet Health.

Because Wolfinbarger (a) does not qualify as 102(e) art to the presently claimed invention, Applicants assert that all obviousness rejections can no longer be maintained. Indeed, the Office Action establishes that, among other differences, Atala does not teach or disclose the use of a decontaminating agent in the extracting solution or storage solution. The Office Action relied upon Wolfinbarger (a) to supply these missing elements. Because the remaining cited art does not teach or suggest the use of a decontaminating agent in the extracting solution or storage solution, the cited art fails to render obvious the presently claimed invention. Applicants respectfully request reconsideration and withdrawal of the obviousness rejections based upon the use of Wolfinbarger(a).

Double Patenting Issues

U.S. Patent No. 6,734,018

The Office Action of 11 September 2009 rejected claims 1-3, 12-14, 16, 19-27, 29-33 and 68-71 under the obviousness double-patenting standard in view of U.S. Patent No. 6,734,018. Applicants assert that the '018 patent is no longer an issue with respect to obviousness double-patenting as the claim amendments render moot this rejection. Applicants respectfully request reconsideration and withdrawal of this obviousness double-patenting rejection.

U.S. Patent No. 7,338,757 and Wolfinbarger (a)

The Office Action of 11 September 2009 rejected claims 1-3, 12, 19, 20, 22-27, 29-31 and 68-71 under the obviousness double-patenting standard in view of U.S. Patent No. 7,338,757 and Wolfinbarger (a). For the reasons stated above, Applicants assert that Wolfinbarger (a) does not qualify as prior art to the presently claimed invention. Applicants also assert that the claimed invention is not obvious in view of U.S. Patent No. 7,338,757 taken by itself and respectfully request reconsideration and withdrawal of this obviousness double-patenting rejection.

U.S. Application No. 12/475,217

The Office Action of 11 September 2009 rejected claims 1-4, 12-16, 19-21, 26, 27 and 68-71 under the obviousness double-patenting standard in view of U.S. Application No. 12/475,217. Applicants note that the '217 application is now abandoned. Applicants respectfully request reconsideration and withdrawal of this obviousness double-patenting rejection.

CONCLUSION

Applicants have amended the claims to better capture the envisioned commercial embodiments. Applicants assert that the currently claimed invention enjoys a priority date of 12 September 2000, the filing date of the parent application. As a result, Wolfinbarger (a) fails to qualify as prior art to the presently claimed invention under 35 U.S.C. §103(c). The remaining cited art, alone or in combination, fails to render the claimed invention obvious.

Should further discussion of any remaining issues advance the prosecution, Applicants invite the Examiner to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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